



September 1, 2004 BZA

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

05AN0112

Melani Bros.

Dale Magisterial District
3800 Friar Ridge Drive

REQUEST: A ten (10) foot Variance to the twenty-five (25) foot rear yard setback requirement for a dwelling addition in a Residential (R-9) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not generally applicable to other properties in the area.
- B. Variance is not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

This property is known as 3800 Friar Ridge Drive. Tax ID 785-673-5949 (Sheet 18).

Existing Zoning:

R-9

Size:

0.2 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-9; Residential

South - R-9; Residential

East - R-9; Residential

West - R-9; Residential

Utilities:

Public water and sewer

General Plan:

(Central Area Land Use and Transportation Plan)

Residential
(2.51 to 4.0 units per acre)

DISCUSSION

The applicant is proposing to construct a sunroom off the back of the existing dwelling. The proposed addition will be located fifteen (15) feet from the rear property line (see attached site plan). The Zoning Ordinance requires a twenty-five (25) foot setback. Therefore, the applicant requests a ten (10) foot Variance.

The applicant provides the following justification in support of this request:

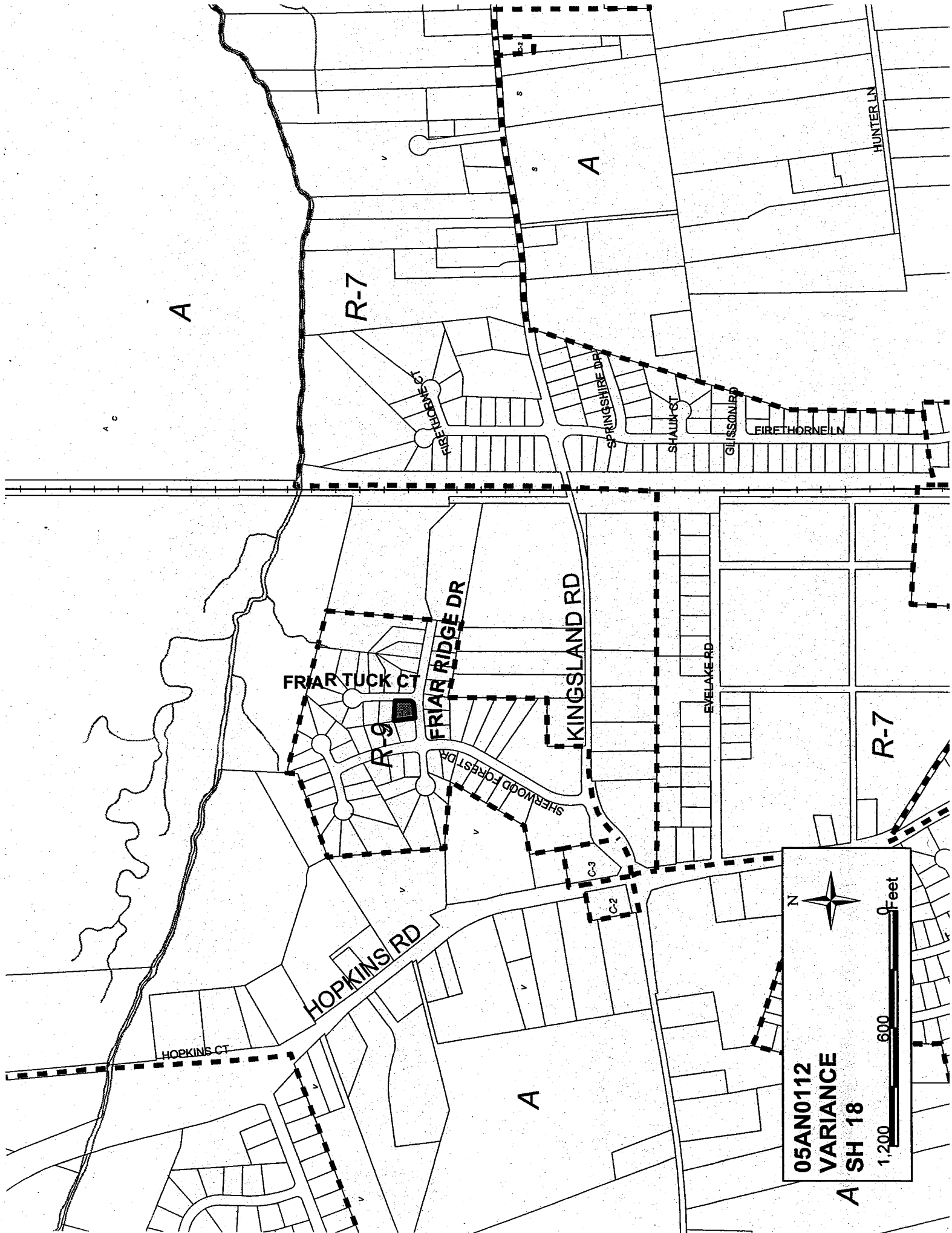
We would like to construct a ten (10) by fourteen (14) foot sunroom. The house is located twenty-five (25) feet from the rear property line so no other place in the rear of the house would meet the setback requirements. Additionally, no place on the property would allow a sunroom to be built to meet setback requirement. The house is located on a relatively small lot.

As required by the Zoning Ordinance, the applicants have provided no information which would serve as a basis for granting this Variance. Staff finds no physical surroundings, shape or topographical conditions on the property which would present a particular hardship to the owner if this Variance was denied. Staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

Should the Board of Zoning Appeals approve this request, it should be applicable to the proposed sunroom only. Other additions or structures could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition:

CONDITION

This Variance shall be for the proposed sunroom as depicted on the plat attached to staff's report.



05AN0112
VARIANCE
A SH 18

